

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland 21401
Conference Room 1100A
September 1, 1999
AGENDA

1:00 p.m. - 1:05 p.m. Approval of Minutes
of August 4, 1999 John C. North, II, Chairman

1:05 p.m. - 1:35 p.m. SPECIAL PRESENTATION

Oyster Recovery in Maryland Claudia Jones, Scientific
Advisor

PROGRAM AMENDMENTS and REFINEMENTS

1:35 p.m. - 1:45 p.m. VOTE /Queen Annes County Susan McConville, Planner
Queenstown Comprehensive Review

1:45 p.m. - 1:55 p.m. VOTE/Caroline County Roby Hurley, Circuit Rider
Denton Comprehensive Review

1:55 p.m. - 2:10 p.m. VOTE/Dorchester County Roby Hurley, Circuit Rider
City of Cambridge Growth Allocation Meredith Lathbury, Planner

2:10 p.m. - 2:20 p.m. VOTE/Talbot County Lisa Hoerger, Planner
Tred Avon Farms Growth Allocation

2:20 p.m. - 2:30 p.m. VOTE/St. Mary's County Mary Owens, Chief Pgm .
Tudor Hall Villages Growth Allocation Implementation &
Tracy Batchelder, Planner

2:30 p.m. - 2:45 p.m. Old Business John C. North, II, Chairman
New Business
Appoint panel for Greensboro Comprehensive Review
Appoint panel for Anne Arundel County

Next Commission Meeting - October 6, 1999 - Crownsville, Maryland

SUBCOMMITTEES

9:30 a.m. - 12:00 a.m. Program Implementation and Amendments

Members: Myers, Barker, Williams, Wynkoop, Foor, Johnson, Lawrence, Taylor-Rogers, Duket, Graves, Samorajczyk

9:30 a.m. - 10:30 a.m.	RCA Uses - Anne Arundel County	Lisa Hoerger, Planner
10:30 a.m. - 10:40 a.m.	Queenstown Comprehensive Review	Susan McConville, Planner
10:40 a.m. - 10:55 a.m.	Denton Comprehensive Review	Roby Hurley, Circuit Rider
10:55 a.m. - 11:05 a.m.	City of Cambridge Growth Allocation	Roby Hurley, Circuit Rider & Meredith Lathbury, Planner
11:05 a.m. - 11:20 a.m.	Annapolis- Status of Comprehensive	Dawnn McCleary, Planner
11:20 a.m. - 11:50 a.m.	Private Access Issues	Ren Serey, Exe. Director & Mary Owens, Pgm. Impl.
11:50 a.m. - 12:00 p.m.	Tred Avon Growth Allocation	Lisa Hoerger, Planner
12:00 p.m. - 12:10 p.m.	Tudor Hill Villages Growth Allocation	Tracy Batchelder, Planner & Mary Owens, Pgm. Impl.

11:30 a.m. - 12:00 a.m. Project Evaluation

Members: Bourdon, Cooksey, Giese, Foor, Corkran, Jackson, Goodman, Van Luven, Hearn, Wilde, Cain, Olszewski, Witten, McClean

No Subcommittee Meeting

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland 21401
August 4, 1999

The Chesapeake Bay Critical Area Commission met at the Department of Housing and Community Development, Crownsville, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in attendance:

Williams, Roger, Kent County	Jackson, Joe, Worcester County
Graves, Charles C., Balt. City	Myers, Andrew, Caroline County
Corkran, William, Talbot County	Cain, Deborah Boyd, Cecil County
Duket, Larry, Md. Of. Plng.	Samorajczyk, Barbara D., Anne Arundel Co.
Setzer, Gary for Hearn, J.L., Md. Dept. Env.	Wilde, Jinhee K., Western Shore Member-at-Large
Dr. Foor, James C., Queen Anne's Co.	Giese, William, Jr., Dorchester Co.
Goodman, Robert, Md. Dept. of Housing & Comm. Development	
Cooksey, David W., Charles County	Witten, Jack, St. Mary's County
Lawrence, Louise, Dept. Of Agriculture	Dr. Taylor-Rogers, Sarah J., Dept. Of Natural Resources
McLean, James, Maryland Department of Business and Economic Development	

The Minutes of July 7, 1999 were approved as read.

Chairman North introduced and made welcome the newest member to the Commission, Mr. James McLean representing the Maryland Department of Business and Economic Development.

Nita Settina, DNR, gave a presentation on DNR's Nature Tourism Program. She said that DNR is creating a constituency that is nature-minded in developing a stewardship ethic in this program that features opportunities for primitive camping, hiking, sea kayaking. There is no official "water-trail" system in the Chesapeake Bay and this Program will be developing one. Ms. Settina said that there is a lot of financial support with monies being thrown to these projects.

Ren Serey, Executive Director, CBCAC presented for VOTE the Department of General Services's request for Buffer Exemption for the Hyatt Chesapeake Resort in Cambridge, Dorchester County. The attorney for the project, Sandy McAllister, as well as Ken Usab, the Engineering Manager for Andrews, Miller and Associates, were on hand to explain the request. In a 1998 the Critical Area Commission granted concept Approval for Growth Allocation for the Hyatt Regency project and several conditions were attached and certain areas of the site qualified for Buffer exemption. Because of a more detailed site planning, an additional area of Buffer necessary for stormwater management has been identified. No buildings are proposed for this area. The Commission staff conducted a site visit and recommended approval of the Buffer Exemption Area. In response to a question from David Cooksey, Mr. Usab said he does not anticipate further requests for Buffer Exemption Areas. Dr. Foor moved to approved the Buffer

Exemption request as proposed. The motion was seconded by Mr. Cooksey and carried unanimously (17) (Mr. Graves had left the meeting.)

Mr. Sere stated that the conditional growth allocation may come back to the Commission to be ratified when the property is settled.

Lee Anne Chandler, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement, the YMCA Growth allocation request in Worcester County. She said that Worcester County is proposing to use 4.77 acres of growth allocation to change an LDA designation to an IDA designation for a YMCA facility. Development will include a building, parking area and stormwater management facilities. The project is consistent with the Commission policy on growth allocation and with COMAR. The Commission supported the Chairman's determination of Refinement.

Susan McConville Zankel, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement, Queen Anne's County's request for Growth Allocation to change 9.85 acres of land designated as RCA to LDA to allow the development of 15 lots in the Critical Area, known as White Pines. The Planning Commission reviewed and approved the request for growth allocation with conditions. The property is located in the Stevensville Growth Area as designated by the 1993 Comprehensive Plan Update for Queen Anne's County and pre-mapped for growth allocation under the Stevensville Community Plan adopted in October of 1998. The Commission supported the Chairman's determination of Refinement.

Ms. Zankel presented for Concurrence with the Chairman's determination of Refinement, the request to change lands designated LDA to IDA by Thompson Creek Shopping Center Limited Partnership in Stevensville based on mapping mistake. She said that the Planning Commission approved the mapping mistake based on findings of fact, a review of the applicants petition and the originally approved Critical Area maps. Ms. Zankel cited the Critical Area Law regarding the change in designation of a property based on proof of mistake and she discussed the Findings of Fact for the Commission. The mapping mistake is consistent with the conditions for proof of a mistake set forth in the Critical Area Law. The Commission supported the Chairman's determination of Refinement.

Dawn McCreary-Evans, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement the annexation in the City of Annapolis of 103.5 acres of land from Anne Arundel County in order to take advantage of the municipal services available in the City for future residential development by the Chrisland Corporation Property. This was approved by the Annapolis City Council on December 19, 1996. This does not involve any

changes to land classifications and will not affect the use of land or water in the Critical Area. The Commission supported the Chairman's determination of Refinement.

Ms. Chandler presented for VOTE the proposal by the Maryland Department of Natural Resources to construct additional parking area at the Smallwood State Park Marina in Charles County. This is a very popular boat launching site and provides the only public access to Mattawoman Creek. The proposed parking lot is consistent with the master plan for this park and will enhance recreational opportunities for the general public. Ms. Chandler described the technical details of the project. She said that the approximate total of new impervious areas is 63,162 square feet. Stormwater management measures are in place and there will be a 1:1 mitigation of trees. There are no habitat protection areas affected. MDE believes there are no obstacles to their necessary approvals. Bob Goodman moved to approve the project with the condition that all necessary permits are obtained from MDE. The motion was seconded by Mr. McLean and carried unanimously.

OLD BUSINESS

There was no old business reported.

NEW BUSINESS

Ren Serey, Executive Director, CBCAC told the Commission that Kristi Romanga, Intern for CBCAC, and Mary Owens, CBCAC Program Implementation, have designed and built a model demonstrating proper Buffer improvements which will be displayed at shows and festivals. Mr. Serey also announced that the Critical Area Web page has been launched and the address is: www.dnr.state.md.us/criticalarea. Links are being developed for the page.

Chairman North appointed a panel for the Comprehensive Review for Denton: Andrew Myers, Chair; Roger Williams, Bill Giese and Bill Corkran.

The September meeting of the Commission will be held at the regular meeting location in Crownsville. The Day on the Bay on the Maryland Independence is scheduled for September 16, 1999.

There being no more business, the meeting adjourned.

Chesapeake Bay Critical Area Commission
Minutes - August 4, 1999

Minutes submitted by: Peggy Mickler, Commission Coordinator

Chesapeake Bay Critical Area Commission

STAFF REPORT
September 1, 1999

*approved
C.N.*

APPLICANT: Town of Queenstown

PROPOSAL: Amendment - Four Year Comprehensive Review

JURISDICTION: Queenstown

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Roby Hurley and Susan McConville Zankel

PANEL RECOMMENDATION: Approval

PANEL MEMBERS: Andrew Myers - Chair, Phil Barker, Bill Corkran, and James Foor

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article § 8-1809 (g). Approval and adoption of program

DISCUSSION:

The Town of Queenstown recently completed an extensive four year review of their Critical Area Program. The review included the Town's Critical Area Program, Zoning Ordinance, Subdivision Regulations and mapping. The Staff worked closely with the Planning Commission on the Critical Area sections of the ordinance and employed a model program to replace the existing program. All of the new Land use, Land Cover and Habitat maps were produced by the Queen Anne's County Planning Department.

The Town of Queenstown and the Critical Area Commission held a joint public hearing with the Critical Area Commission Panel on August 9, 1999, in Queenstown. A summary of the major changes to the four work products are as follows:

Critical Area Program:

A calculation of the acreage within the three land use categories and evaluation of the growth allocation status was conducted for the Town. The County granted the Town 200 acres for growth allocation at the inception of their Program. In 1993, 15.056 acres were used for the

Queenstown Harbor Subdivision in conversion from RCA to LDA. Accordingly, 184.94 acres remain for future use. Streamlining of the Critical Area Program was done to remove areas that duplicated sections in the Zoning Ordinance. Language was added to reflect missing or updated information from MD-DNR on Habitat Protection Areas. The nontidal wetland section was reduced to a statement referencing the appropriate provisions in COMAR. The Natural Parks, Agriculture and Surface Mining sections were customized to reflect existing and planned land use in the Town as they relate to those sections.

Zoning Ordinance:

The Town's ordinance incorporates the Critical Area land use language into each zone therefore it is not a true overlay system. The Ordinance review required the addition and correction of definitions to be consistent with those in the State criteria. The grandfathering, water-dependent facilities, Buffer, development standards in the LDA, growth allocation, amendment and variance sections all required a moderate number of corrections to reflect consistency with the Critical Area Criteria and Commission policy. The Town does not wish to map any Buffer Exemption Areas (BEAs) so this section was not updated, but allows for future BEAs using current Critical Area policy.

Subdivision Regulations:

This document has undergone a lengthy review over the last three years by the Town Planning Commission but was originally drafted by the Maryland Office of Planning, Regional Planner. Language was included that adopted by reference the Town's Critical Area Program. All site plan and plat submittal requirements were corrected to include relevant Critical Area requirements.

Mapping:

All map work was produced by the Queen Anne's County Planning Office. Changes to the original maps included correction of land use category and zoning boundaries and updating of the resource maps. No BEAs currently exist and none are proposed..

The original Program was adopted on January 17, 1993. The Town Planning Commission held a public hearing June 15, 1999. No comments were received.

Enclosed please find final draft of the Queenstown Critical Area Program and Critical Area map. Please do not hesitate to call me if you have any questions or need more information.

Chesapeake Bay Critical Area Commission

STAFF REPORT
September 1, 1999

Approved

APPLICANT: Town of Denton

PROPOSAL: Denton Comprehensive Review

JURISDICTION: Denton

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Mary Owens and Roby Hurley

PANEL RECOMMENDATION: Approval with conditions

PANEL MEMBERS: Andrew Myers, Bill Giese, and Roger Williams

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Section 8-1809(g)

DISCUSSION:

The Town of Denton has recently completed an extensive four year comprehensive review of their Critical Area Program. The review included the Town's zoning ordinance, Program document, and maps. The existing ordinance and Program needed significant revisions, and Redman Johnston and Associates were hired to write a new ordinance. Staff worked closely with Pete Johnston on the Critical Area sections of the ordinance and employed a model program to replace the existing Program document. The existing Denton Land Use Map had been amended in 1998; however, the firm of George, Miles & Buhr, LLP (GMB) was contracted to amend the Critical Area maps and bring them up to date. Resource inventory mapping was done by the Critical Area Circuit Rider with assistance from the Heritage Division of DNR and using DNR's GIS MERLIN System..

The most significant changes to the Town's ordinance, Program, and maps are as follows:

PROGRAM:

The acreage of the three land use categories, RCA, LDA, and IDA was re-evaluated and a review of the use of growth allocation was conducted. Caroline County maintains all growth allocation acreage and to date the County has not awarded any growth allocation within the Town.

The Program document was thoroughly reviewed and amended to remove content that duplicated sections in the ordinance. Language was added to incorporate missing and updated information from DNR on Habitat Protection Areas. The Non Tidal Wetland section was reduced to a statement referencing the appropriate provisions in COMAR that require permits through the Maryland Department of the Environment. The Natural Parks, Agriculture and Surface Mining sections were revised to reflect existing and planned land use within the Town.

ZONING ORDINANCE:

The Town's draft ordinance was revised to add several significant definitions from the Critical Area Criteria and to modify others for clarity and consistency. The sections covering grandfathering, water-dependent facilities, the Buffer, Buffer Exemption Areas (BEAs), and development standards and land use in the RCA all required corrections to reflect the Criteria and current policy. Minor changes were made to the growth allocation, amendment procedures, and variance sections. Following the public hearings, Commission staff identified some language in Section 14-10, "GA Growth Allocation Floating Zone" that is not somewhat confusing and could be clarified. The attached language shows the changes proposed by staff, and staff recommends that the adoption of the revised language by the Town should be a condition of approval.

MAPPING:

The town is requesting the designation of four areas as BEAs. The four sites are developed and the existing pattern of development on the sites prevents the Buffer from fulfilling the functions relating to water quality and habitat protection as stated in COMAR 27.01.09.01.B. The attached "Buffer Exemption Areas Evaluations" document existing conditions on the site relevant to the BEA designation. Other changes to the Town's Critical Area maps were necessary because the Town's original mapping did not include land cover or resource inventory maps. These have been produced with assistance from DNR.

The original Program was adopted in April 23, 1989. The Town Planning Commission held public hearings on May 18 and June 10, 1999. The Town Council held a public hearing on August 2, 1999, and the Council held a joint hearing with the Critical Area Commission on Aug. 16, 1999.

Section 14-11 GA Growth allocation Floating Zone

4. Criteria for the Use of Development Envelopes in the RCA:

Condition

- a. Subdivision of any parcel of land that was recorded as of December 1, 1985 and classified as RCA ~~or LDA~~, where all or part of the parcel is classified by the Town of Denton as a Growth Allocation Floating Zone, shall result in the acreage of the entire parcel, not in tidal wetlands, counting against Denton's Growth Allocation, unless the following conditions are met:
 - (1) ~~On Qualifying Parcels as described below,~~ **RCA parcels** on which a change in classification is approved, a development envelope will be specified, the acreage of which will be counted against the Town's Growth Allocation.
 - (2) The envelope shall include individually owned lots, any required Buffers, impervious surfaces, utilities, stormwater management measure, on-site sewage disposal measures, any areas subject to human use such as active recreation areas and any additional acreage needed to meet the development requirements of the criteria.
- b. The remainder of the parcel will not count against the Town's Growth Allocation if it is contiguous and at least 20 acres in size, retained its natural features or its use by resource utilization activities (agriculture, forestry, fisheries activities or aquaculture) and was restricted from future subdivision and/or development through restrictive covenants, conservation easements or other protective measures approved by the Planning Commission. ***Residential development may be permitted at a density of one dwelling unit per 20 acres.*** A Forest Management Plan is required for any forested areas in the undeveloped portion of the parcel. Reforestation shall be accomplished on lands abandoned from agriculture.
- c. A minimum 100-foot vegetated Buffer must be established and included in any acreage deductions. ~~In the case of Growth Allocation being applied in an RCA,~~ A 300-foot naturally vegetated Buffer is strongly encouraged, and in the case where it is provided, the Buffer shall not be deducted from the Town's Growth Allocation, even if the Buffer does not meet the 20-acre minimum.

BUFFER EXEMPTION AREAS EVALUATIONS

Apartment BEA

Denton is requesting that the "Apartment BEA (including lot 760)" be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

- 1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there are existing structures in the Buffer. Existing development is located approximately 50 to 75 feet from the shoreline. Existing vegetation is lawn grass and a narrow forested slope.
- 2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place close to the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer.
- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with structures and parking. There is only a narrow section of natural vegetation to provide food and cover for wildlife.
- 4) The Buffer does not function to maintain the natural environment of streams because there are no streams on this particular property.
- 5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is partially developed and is actively used for multi-family habitation. Human disturbance to wildlife would be unavoidable because of the intensity of the development on this site.

Railroad BEA

Denton is requesting that the "Railroad BEA" be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

- 1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there is existing extensive fill associated with railroad construction. Existing development is located approximately 10 to 25 feet from the shoreline. Existing vegetation is native and non-native emergent and scrub-shrub species that until recently has been altered by railroad usage.
- 2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands,

shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer.

- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed and much of the natural vegetation has been removed due to extensive filling on the site. There is little natural vegetation to provide food or cover for wildlife.
- 4) The Buffer does not function to maintain the natural environment of streams because extensive filling and grading took place in order to construct a road bed along the southern bank of an adjacent tributary stream. Much of the natural environment has been altered.
- 5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used for recreation and maintenance. Human disturbance to wildlife would be unavoidable because of the intensity of the development on this site.

Jail BEA (including lots 772, 771 and 770)

Denton is requesting that the "Jail BEA (including lots 772, 771 and 770)" be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

- 1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there are existing structures and parking lots in the Buffer. Existing development is located approximately 25 to 75 feet from the shoreline. Existing vegetation is lawn grass and a narrow strip (less than five feet wide) of scrub-shrub.
- 2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer.
- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with structures and parking. There is no natural vegetation to provide food or cover for wildlife.
- 4) The Buffer does not function to maintain the natural environment of streams because there are no streams on this particular property.
- 5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used for parking, maintenance and surveillance. Human

disturbance to wildlife would be unavoidable because of the intensity of the development on this site.

Second Street BEA

Denton is requesting that the "Second Street BEA" be designated as a BEA because the existing pattern of development prevents the Buffer from fulfilling the functions set forth in the Criteria. The following factors were considered:

- 1) The Buffer's ability to provide for the removal of sediments, nutrients, and harmful or toxic substances has been compromised because there is an existing structure, impervious areas and a stormwater outfall in the Buffer. Existing development consists of plumbing located at the shoreline and structures and impervious surfaces located throughout the Buffer. Existing vegetation is lawn grass and scattered trees and shrubs.
- 2) The Buffer's effectiveness at minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place very close to the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer and the shoreline contains gravel fill.
- 3) The Buffer does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with structures and parking. There is little natural vegetation to provide food or cover for wildlife.
- 4) The Buffer does not function to maintain the natural environment of streams because there are no streams on this particular property.
- 5) The Buffer's capacity for protecting wildlife habitat on this site is severely limited because the Buffer is developed and is actively used for parking and utility access and maintenance. Human disturbance to wildlife would be unavoidable because of the intensity of the development on this site.

Chesapeake Bay Critical Area Commission

STAFF REPORT
September 1, 1999

approved

APPLICANT: City of Cambridge

PROPOSAL: Amendment - Mapping Change, Growth Allocation for Hyatt Chesapeake Resort

COMMISSION ACTION: VOTE

STAFF RECOMMENDATION: Approval with conditions

STAFF: Meredith Lathbury and Roby Hurley

PANEL RECOMMENDATION: Pending

PANEL MEMBERS: Bill Giese, Bill Corkran, Joe Jackson, Samuel Q. Johnson

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809 (j);
COMAR 27.01

DISCUSSION:

Mapping Change:

The City of Cambridge requests an amendment to change the Critical Area line on the site of the proposed Hyatt Chesapeake Resort. The developer asked Maryland Department of the Environment (MDE) to review the 1972 wetland delineation line relative to actual field location. (MDE) subsequently relocated the head of tidal waters of Shoal Creek, thereby shifting the 1000' Critical Area line upland.

Growth Allocation:

The City of Cambridge also seeks growth allocation for 174.86 acres to be designated Intense Development Area (IDA) for the Hyatt Chesapeake Resort. The area to receive growth allocation is between two designated IDAs, containing 21.03 and 79.05 acres. The request came before the Cambridge Planning Commission on August 3, 1999. The City of Cambridge Commissioners will hold a joint hearing with the Critical Area Commission Panel on Monday, August 30, 1999.

The Planning Commission found that the request satisfied the requirements set forth in the City's Critical Area program (Chapter 20, §20-20.X.). The proposed IDA is adjacent to IDA on two of

four sides. The total acreage to be changed is 174.86 acres, greater than the twenty acre minimum. Impacts to Habitat Protection Areas (HPAs) will be minimized through temporal restrictions for protection of heron, waterfowl, rockfish, and the 100-foot Buffer.

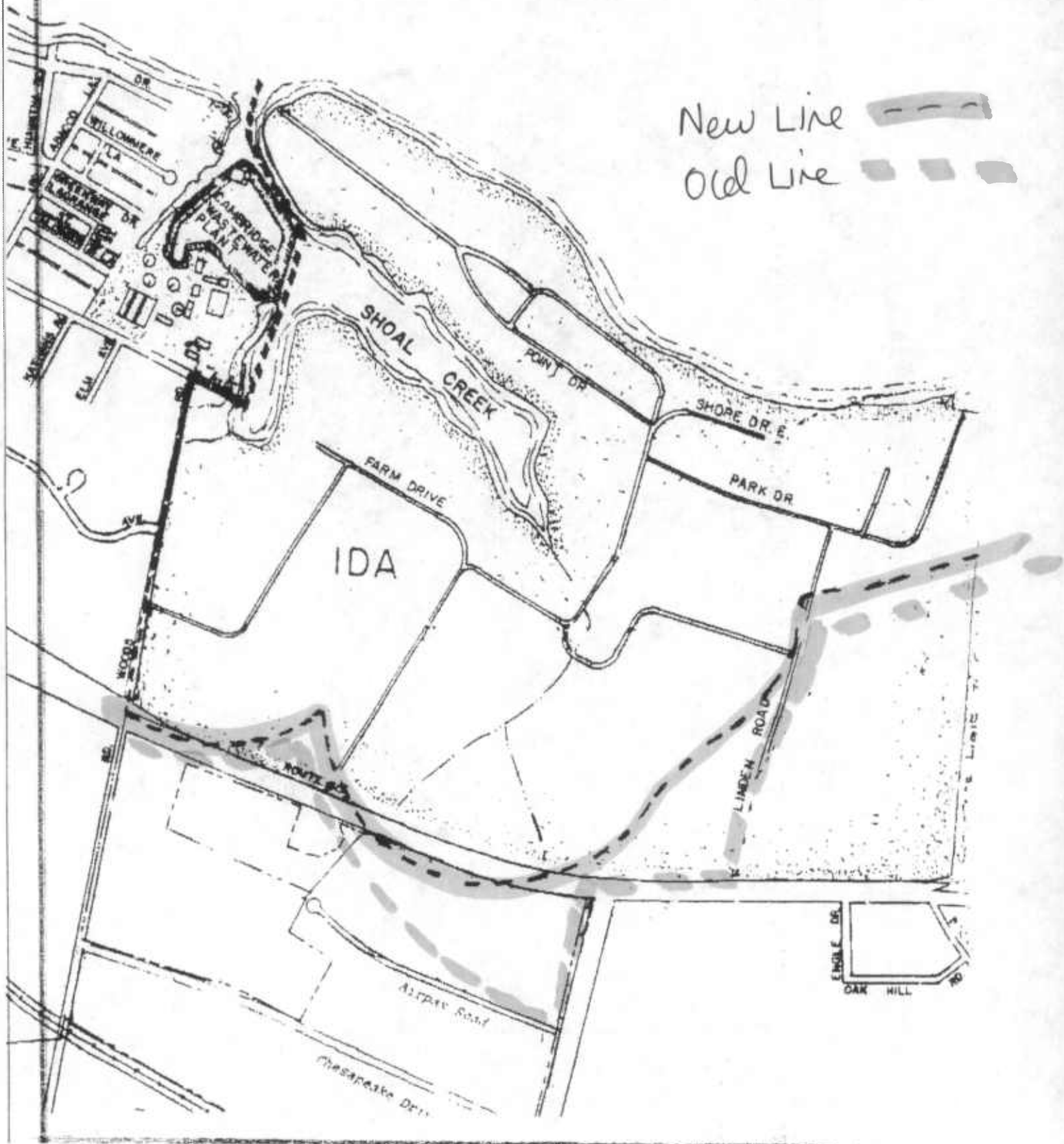
The Planning Commission placed the following conditions on approval:

- 1) Approval shall be contingent on the transfer of ownership to Chesapeake Resorts, LLC or their assigns.
- 2) The date of approval shall be the date of transfer, or within one year.
- 3) The project is to be substantially completed within three years from the date of approval. The term "substantially completed" is as defined in the Zoning Ordinance and determined by the Planning Commission.
- 4) The developer shall demonstrate to the Planning Commission that the following design standards shall be met or exceeded:
 - a) All requirements of the City Zoning Ordinance, Subdivision Regulations and Critical Area Program;
 - b) Non-residential development is limited to 60% of the total site area;
 - c) The design enhances water quality and resource and habitat values;
 - d) The development incorporates the comments and recommendations of the Planning Commission and DNR in project design;
 - e) The developer executes covenants that guarantee maintenance of required open spaces.

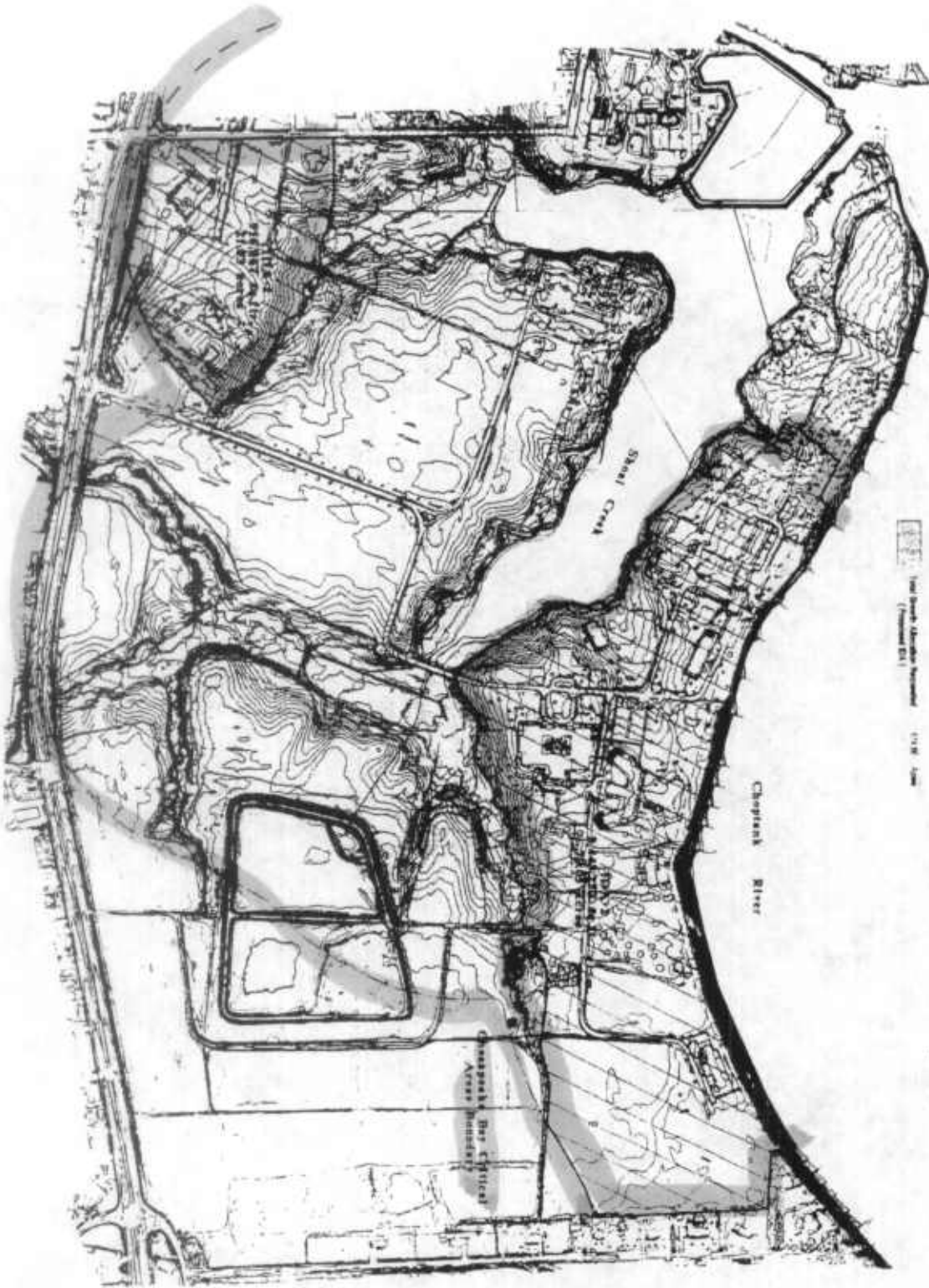
Recommended Conditions:

- Approval be contingent on transfer of ownership to Chesapeake Resorts, LLC or assigns.

Change to Critical Area Line:



Growth Allocation Request:



<p>Critical Area Tabulations Design Development Plans</p> <p>Hyatt Regency Chesapeake Bay Resort</p> <p>City of Cambridge</p> <p>Revised: 10/1/88</p>	<p>Andrews, Miller & Assoc., Inc.</p> <p>Main office: 1000 North 10th Street, Suite 100, Norfolk, Virginia 23502 Tel: 757/233-1111 Fax: 757/233-1112</p> <p>Resident Area office: 1000 North 10th Street, Suite 100, Norfolk, Virginia 23502 Tel: 757/233-1111 Fax: 757/233-1112</p>	<p>11,100</p> <p>27,111</p> <p>16,011</p>
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Chesapeake Bay Critical Area Commission

STAFF REPORT

September 1, 1999

APPLICANT: Talbot County

PROPOSAL: Refinement -Tred Avon Farm, Inc. Growth Allocation

COMMISSION ACTION: Concurrence

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR §8-1808.1

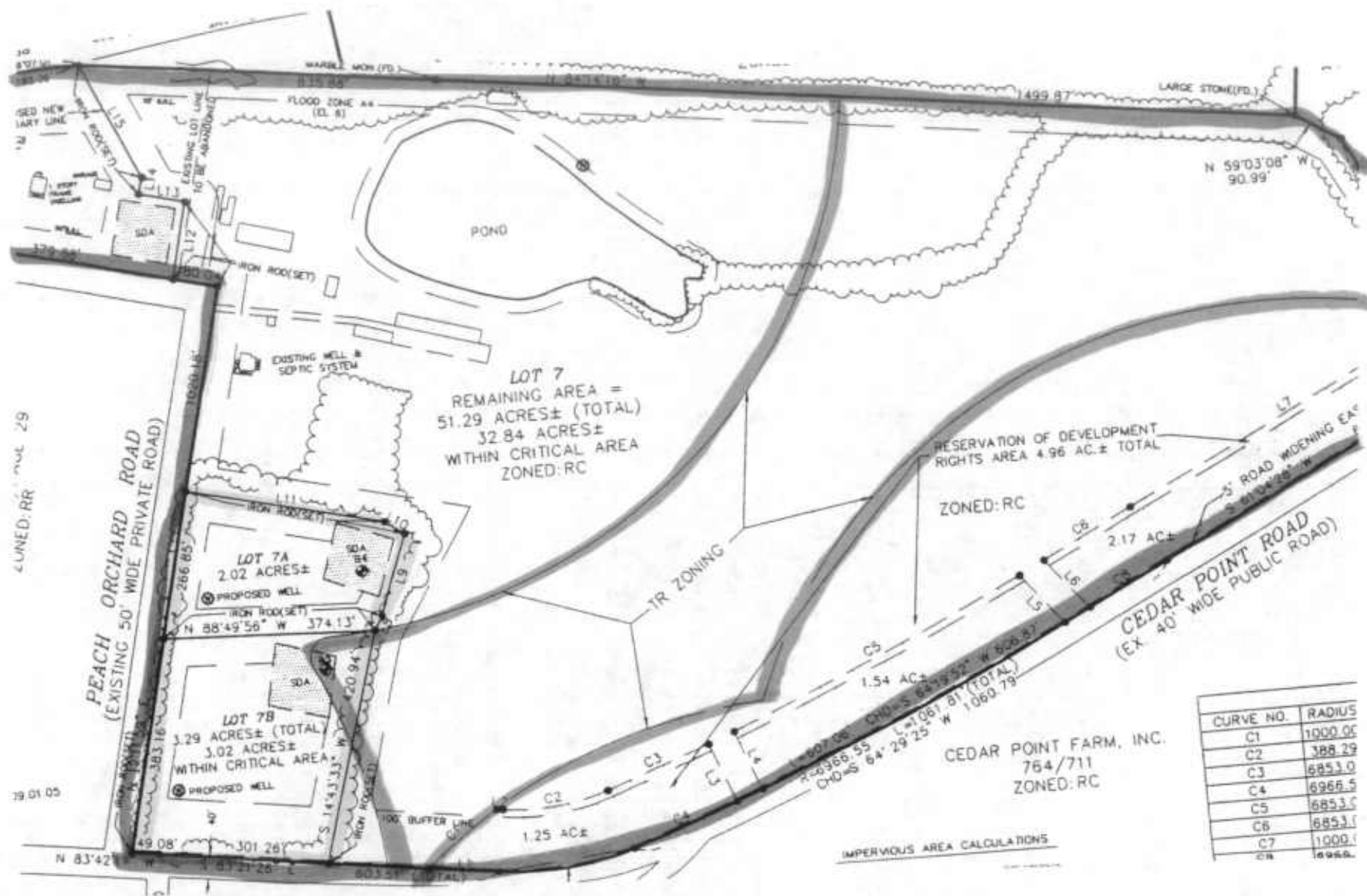
DISCUSSION:

Talbot County is requesting that 5.31 acres of Resource Conservation Area (RCA) be granted a growth allocation to a Limited Development Area (LDA). Since the proposal meets the Commission's policy concerning growth allocation, the Chairman has determined this request to be a refinement to the County's program.

Tred Avon Farm, Inc. is located at the intersection of Cedar Point Road and Peach Orchard Road on Maryland Route 333. The area of the parcel within the Critical Area is zoned RCA and totals approximately forty-five acres. The area outside of the parcel is zoned Town Residential.

The request meets the Commission's policy regarding growth allocation. The proposed lots to be LDA are contiguous to other LDA lands in the Critical Area. In addition, these lots do not have any Habitat Protection Areas.

The Chairman has determined the Tred Avon growth allocation to be a refinement to the Talbot County Critical Area Program and seeks your concurrence.



CURVE NO.	RADIUS
C1	1000.00
C2	388.29
C3	6853.0
C4	6966.5
C5	6853.0
C6	6853.0
C7	1000.0
C8	6966.5